

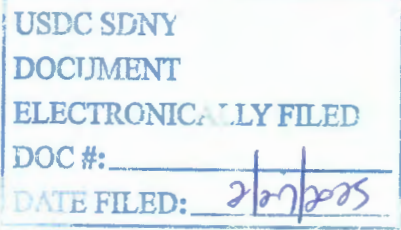
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RAFAT AMIROV,
a/k/a "Farkhaddin Mirzoev,"
a/k/a "Рим,"
a/k/a "Rome," and
POLAD OMAROV,
a/k/a "Araz Aliyev,"
a/k/a "Novruz Novruzzade,"
a/k/a "Polad Qaqa,"
a/k/a "Haci Qaqa," and
ZIALAT MAMEDOV,
a/k/a "Ziko,"
a/k/a "Ruslan Novruzzade,"
RUHOLLAH BAZGHANDI,
a/k/a "Roohollah Azimi,"
FNU LNU,
a/k/a "Haj Taher,"
HOSSEIN SEDIGHI, and
SEYED MOHAMMAD FOROUZAN,

Defendants.



S8 22 Cr. 438 (CM)

PROTECTIVE ORDER
WITH RESPECT TO CERTAIN
DISCOVERY

McMAHON, D.J.:

This matter came before the Court on the Government's supplemental motion ("Supplemental Government Motion"), dated February 19, 2025, as well as its prior motion ("Government Motion"), dated October 8, 2024, memorandum, exhibits, and the declarations of various Government officials, as well as the Government's letters dated November 22, 2024 and February 26, 2025, all of which were filed *ex parte*, *in camera* (collectively, the "Government Submissions").

On November 26, 2024, the Court entered a Protective Order that, *inter alia*, and on the basis of the Government Motion, accompanying materials, and November 22, 2024 letter, authorized the Government to withhold from discovery the “Deleted Classified Materials,” as that term is defined on page 5 of the Government Motion, and to provide to cleared counsel for the defendants proposed substitutions in lieu of the “Substituted Classified Materials,” as that term is defined on page 5 of the Government Motion. (*See* Dkt. 92).

The Supplemental Government Motion sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act (“CIPA”) and Rule 16(d)(1) of the Federal Rules of Criminal Procedure, regarding disclosure of certain information.

On February 24, 2025, the Court issued a classified, *ex parte* Order requesting from the Government further information/documents. (*See* Dkt. 113).

On February 26, 2025, the Government made a classified, *ex parte* submission to the Court, in response to the Court’s February 24, 2025 Order. (*See* Dkt. 119).

After *ex parte*, *in camera* consideration of the Government Submission, the Court finds:

1. That the Government Submissions contain and describe classified information that requires protection against unauthorized disclosure. That information is described with particularity in the Government Submissions.
2. The head(s) of the department(s) that have control of the classified information described in the Government Submissions, after actual personal consideration, have lodged the state secrets privilege with respect to that classified information.

Supplemental Deleted Classified Material

3. Disclosure of the “Supplemental Deletions”—as that term is defined on page 2 of the Supplemental Government Motion—to the defense or the public could reasonably be expected to cause serious or exceptionally grave damage to the national security.

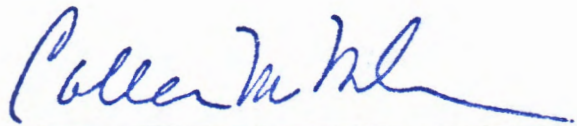
4. The Supplemental Deletions are not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, or Rule 16 of the Federal Rules of Criminal Procedure. In addition, the Supplemental Deletions are not helpful to the defense, that is, useful to counter the Government’s case or bolster a defense, as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Accordingly, it is:

ORDERED that the Supplemental Government Motion is granted, and the Supplemental Deletions, as defined in the Supplemental Government Motion and described herein, need not be disclosed to the defense; and it is further

ORDERED that the Supplemental Government Motion is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer, in accordance with established court security procedures, until further order of this Court.

SO ORDERED in Chambers this 27th day of February, 2025.



THE HONORABLE COLLEEN McMAHON
United States District Judge
Southern District of New York